

Remarks

Status of application

Claims 1-48 were examined and stand rejected in view of prior art and for technical reasons. Applicant has amended claims 1, 21 and 36 to address the rejection of Applicant's claims under 35 U.S.C. Section 112. In view of the amendments made and the following remarks, reexamination and reconsideration are respectfully requested.

The invention

For a concise statement of Applicant's invention, please refer to the Summary of Invention in Applicant's previously filed Appeal Brief.

General

A. Section 112 rejection

The Examiner has rejected Applicant's claims under 35 U.S.C. 112, second paragraph as indefinite as the Examiner states that it is unclear how the components are working together. Applicant respectfully believes that its claims are clearly structured as computer-implemented systems and methods; however, Applicant has amended independent claims 1, 21 and 36 in order to overcome the Examiner's rejection.

Prior art rejections

A. General

This Amendment is filed in response to the fourth Office Action in this case. In this most recent Office Action, the Examiner has rejected Applicant's claimed invention under Section 103 based on 8 different combinations of 11 different prior art references. As noted in Applicant's previously filed Appeal Brief in this case, while there is no absolute cap or ceiling as to the number of references that may form a competent combination under Section 103, the fact that the Examiner is having to go to this sizeable collection of 11 different references to string together eight different "obviousness" rejections again begs the question what exactly is "obvious." At some point, the thread of logic used to weave together such a large number of references becomes stretched so thin that it breaks. Applicant respectfully submits that this is the case here and that the large

disparate and large collection of art and numerous combinations of references used in this case indicates that the rejection does not establish obviousness under Section 103.

Additionally, in the most recent office action the Examiner relies largely U.S. Published Application No. 2002/0065752 A1 of Lewis (hereinafter "Lewis") in rejecting Applicant's claimed invention. However, as discussed below in more detail, in a prior Office Action the Examiner previously withdrew Lewis and issued new grounds of rejection, which would also appear to call into question the seven grounds of rejection that rely on Lewis. Additionally, the Examiner's continued reliance on Cohen in the rejection of claims 27, 42, 33 and 47 despite withdrawing Cohen from the rejection of all of Applicant's other claims also appears somewhat puzzling.

B. First Section 103 rejection: Lewis, Suzuki and Thompson

Applicant's claims 1-2, 4-9, 18-22, 24, 28-31, 33-37, 39, 43-46 and 48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Published Application No. 2002/0065752 A1 of Lewis (hereinafter "Lewis") in view of US Published Application No. 2002/0072922 A1 of Suzuki et al. (hereinafter "Suzuki") and further in view of U.S. Patent 6,668,253 of Thompson et al. (hereinafter "Thompson").

In the most recent Office Action, the Examiner again relies largely on Lewis in rejecting Applicant's claims, despite the fact that the Examiner previously withdrew the same Lewis reference (and reopened prosecution based on a new ground of rejection) in response to Applicant's previously filed Appeal Brief in this case. Here, it should be noted that the Lewis patent (U.S. Patent No. 7,310,615 issued December 18, 2007) cited by the Examiner in the first two Office Actions in this case is a continuation of the 2002 Published Application cited by the Examiner in the most recent Office Action (Application No. 2002/0065752 A1 of Lewis which was issued as U.S. Pat. No. 6,513,019). Therefore, Applicant believes that Lewis is clearly distinguishable for the reasons discussed in detail in Applicant's Appeal Brief previously filed in this case on December 9, 2008 (and incorporated herein by reference). The Examiner's reopening of prosecution and issuance of new grounds of rejection (e.g., that Applicant's claimed invention was anticipated by U.S. Published Application No. 2003/0097331A of Cohen) in the Office Action dated March 18, 2009 in response to Applicant's Appeal Brief

certainly seems to indicate that (at least at that time) the Examiner agreed with Applicant's argument that Lewis was clearly distinguishable. However, the Examiner has now largely abandoned Cohen and has returned to reliance upon Lewis in rejecting 44 of Applicant's 48 pending claims. Applicant respectfully requests that the Examiner clarify his position as to why the rejection based on Lewis was withdrawn in an earlier Office Action and then subsequently reinstated as Applicant continues to believe that Lewis (as well as the secondary Suzuki and Thompson references) are distinguishable in several respects, including those discussed below as well as those indicated in Applicant's previously filed Appeal Brief.

Lewis describes a consolidation system that stores all records derived from each of the sources, including both real-time and file-based sources. In doing so, Lewis duplicates considerable data as it stores records from live data during the business day as well as file-based transaction data, which are typically received after the end of the business day. Applicant's invention, in contrast, recognizes that today's real-time transactions are tonight's file-based transactions and therefore the two sets of sources include large quantities of duplicate data. Applicant's solution operates to eliminate this duplicate data by replacing real-time transaction data with the officially posted transaction data when the official transaction data is available (e.g., at the end of the day). This feature is also included, for instance, in the claim limitations of Applicant's claim 1 as follows:

a data consolidator for receiving parsed information from the file importer, consolidating said parsed information with transaction information from a user-accessible system to create consolidated transaction records, assigning a unique identifier to each consolidated transaction record for an account, and storing said consolidated transaction records, wherein consolidating said parsed information includes removing transaction information derived from the user accessible system that is duplicated in said parsed information from the data files

(Applicant's claim 1, emphasis added)

This feature of removing duplicate transaction information during the consolidation process reduces the quantity of the data that is maintained by Applicant's solution, provides increased consistency and improves performance.

The Examiner references Lewis at paragraph [0123] as providing the

corresponding teachings. However, the referenced portion of Lewis reads as follows:

The Validation Process ensures the accuracy of the data and prevents duplicative entries. The Validation Process applies quality assurance rules, pre-defined by the user, to the incoming data. The data is compared against pre-existing records to discern any discrepancies, and to test for changes in excess of acceptable tolerances. Missing data is calculated or derived from other data, where possible. Errors and omissions trigger notifications, via the notification server, to the appropriate staff, who can then correct the data using a desktop application. Once completed, the Validation Process presents the enriched information to the Construction Process.

(Lewis, paragraph [0123])

Respectfully, Lewis simply mentions that a "Validation Process" may be used to prevent duplicate entries in incoming data without providing any further detail about what this Validation Process might entail. Thus, it is unclear to one having ordinary skill in the art what Lewis' Validation Process might entail or how it is implemented. In particular, Lewis makes no mention that the process may include removing transaction information derived from a user accessible system that is duplicated in parsed information extracted from incoming data files in creating consolidated transaction records as provided, for example, as specific claim limitations of Applicant's claim 1. Additionally, Lewis' system is handling market data and not transaction data and therefore whatever validation steps are applied are likely to be quite different than those utilized by Applicant's solution which is specifically focused on consolidation of transaction records.

The Examiner also acknowledges that the primary Lewis reference does not include teachings of representing additional information present in a data file being processed in Extensible Markup Language (XML) format and therefore adds Suzuki as providing such teachings. However, Suzuki's solution is focused on collecting and displaying content in an Internet web portal and its teachings are distinguishable from Applicant's claimed invention for the reasons discussed below.

Applicant's claimed invention addresses one of the complications in processing records from different financial institutions in that different institutions frequently customize or extend the standard file format (e.g., BAI) to capture additional information. Applicant's solution operates to identify, capture and sort this extra information that is not

defined as a standard data element of the standard file format (e.g., BAI file format). In this regard, Applicant's solution acts to capture and store "standard" information in columns and rows of a database and to also capture and store "extra" information in XML format (see e.g., Applicant's specification, paragraphs [0066]-[0067]). Suzuki, in contrast, does not operate to process incoming data files. Instead, Suzuki's solution operates to display content to clients in a web portal based on stored data obtained from an "information disclosing server" (see e.g., Suzuki, paragraph [0048] and Fig. 1 (client 5, portal server 3 and information disclosing server 1)). Thus, Suzuki does not describe extracting data from input files, but rather describes constructing content for display from previously stored information. For example, Suzuki describes that the information disclosing server includes "...contents storing means 1a and additional information storing means 1b." (Suzuki, paragraph [0049]). Suzuki's contents storing means 1a "stores" contents consisting of information, services, or the like and the additional information storing means 1b stores additional information indicating the attributes of contents to be disclosed (see e.g., Suzuki, paragraphs [0050]-[0051]).

It should be noted that Suzuki provides no teaching or suggestion of a file importer for processing incoming data files (e.g., BAI data files) containing additional (or extended) data fields and storing this additional information in XML format. Instead, Suzuki's system is focused on retrieving and displaying previously stored content. As such its teachings do not appear to be at all analogous to Applicant's claimed invention.

Additionally, Applicant's solution not only handles transaction data that is received via a file, but also handles transaction data received from a live, user-accessible system (see e.g., Applicant's specification, paragraphs [0071]-[0072]). In this case, transaction data arrives via a programming object and is converted from object (e.g., HashMap) format to XML format. Thus, Applicant's claimed invention supports both file-based and object-based transactions with the same underlying mechanism and handles both "standard" data as well as custom or "extra" information. When transaction data from file or live sources is found to contain "extra" information, Applicant's solution converts this extra information to XML format for storage. Respectfully, no similar teachings or suggestions are found in Suzuki or the other cited prior art references (i.e., Lewis and Thompson). In fact, the solution described by Lewis uses generated C++

objects to represent a particular piece of data. As such, data that contains extra/custom properties cannot be supported in Lewis' system. Additionally, although Suzuki mentions storing attributes (additional properties) in XML format, there is still a gap between Lewis' C++ object and the XML data representation of the object. Because Lewis' system generates C++ objects, the fields have to be known up front. With Applicant's solution, in contrast, the fields do not need to be known up front, do not need to be the same for each record, and can dynamically change without changes to the system.

The Examiner also acknowledges that Lewis does not disclose a reporting module for presenting consolidated financial transaction information for a particular account and allowing the user to navigate through the consolidated information and therefore adds Thompson as providing such teachings. However, Applicant's review of Thompson finds no mention whatsoever of assigning a sequence number or other unique identifier to each transaction record. Although a key word search of Thompson will find that Thompson does use the word "identifier", the identifier referred to by Thompson is a "valid user identifier and password" which the user must enter in order to access the system. Respectfully, this is not comparable to the unique identifier of Applicant's claimed invention that is associated with transaction records.

Applicant's solution includes reporting features that provide for ordering the transaction information and assigning a unique identifier (e.g., sequence number) to each transaction stored in the repository (see e.g., Applicant's specification, paragraph [0069]). This unique identifier facilitates paging the transaction information to the user in manageable groups or "chunks" of information, such as in groups of ten transactions organized based on sequence number (see e.g., Applicant's specification, paragraphs [0069]-[0070]). The user may, for example, then navigate through the transactions in sequence. This feature is also included as limitations of Applicant's claims. For example, Applicant's claim 1 includes the following claim limitations:

a data consolidator for receiving parsed information from the file importer, consolidating said parsed information with transaction information from a user-accessible system to create consolidated transaction records, assigning a unique identifier to each consolidated transaction record for an account, and storing said consolidated transaction records, wherein consolidating said parsed information includes removing transaction information derived from the user accessible

system that is duplicated in said parsed information from the data files; and a reporting module for receiving a request for financial transaction information for a particular account and presenting consolidated transaction records for the particular account to the user in response to the request, wherein the user may navigate through said consolidated transaction records based upon said unique identifier.

(Applicant's claim 1, emphasis added)

In contrast to these specific features of Applicant's claimed invention, Thompson makes no mention of a unique identifier assigned to each transaction record. As Thompson does not utilize a unique identifier for each transaction record, Thompson obviously cannot teach or suggest using such identifier to facilitate display of the information to the user as with Applicant's claimed invention.

All told, the combined references do not include teachings of a consolidation system that consolidates real-time transaction data from a live system with file-based transaction data and removes duplicate data in the process of consolidating data from different sources. Additionally, none of the cited prior art references include any teaching or suggestion of converting additional data fields in input data files into XML format during processing of input data files. The combined references also include no teaching or suggestion of assigning a unique identifier to each transaction and using this identifier to assist the user in navigating through transaction data. Therefore, as the Lewis, Suzuki and Thompson references, even when combined, do not include all the limitations of Applicant's claims it is respectfully submitted that Applicant's claims distinguish over the prior art and overcome any rejection under Section 103.

C. Second Section 103 Rejection: Lewis, Suzuki, Thompson and Campbell

Claims 3, 23 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (above) in view of Suzuki (above) in view of Thompson (above) and further in view of U.S. Patent 6,856,970 of Campbell et al (hereinafter "Campbell"). As to these claims, the Examiner acknowledges that Lewis, Suzuki and Thompson fail to teach at least one file adapter for extracting data from a particular type of data file, such as a BAI file. Therefore, the Examiner adds Campbell as providing these teachings.

Applicant's claims are believed to be allowable for at least the reasons cited above

(as to the first Section 103 rejection) pertaining to the deficiencies of Lewis, Suzuki and Thompson as to Applicant's invention. Campbell does not cure any of these deficiencies. Although Campbell describes a BAI format mapper which accounts for different interpretations of BAI used at different banks, it does not include any teaching of a system that consolidates real-time transaction data with file-based transaction data comparable to Applicant's claimed invention. Accordingly, as the combined references do not include all the limitations of Applicant's claims it is respectfully submitted that Applicant's claims distinguish over the combined references and overcome any rejection under Section 103.

D. Third Section 103 Rejection: Lewis, Suzuki, Thompson and Hopkins
Claims 10-12, 25 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (above) in view of Suzuki (above), in view of Thompson (above) and further in view of U.S. Published Application 2005/0172137 of Hopkins et al (hereinafter "Hopkins"). Applicant's claims are believed to be allowable for at least the reasons discussed in detail above pertaining to the deficiencies of Lewis, Suzuki and Thompson as to Applicant's invention, none of which are cured by Hopkins. Applicant also believes these dependent claims are allowable for the additional reasons discussed below.

As discussed previously, Applicant's solution provides for assigning a unique identifier to each transaction stored in the repository to facilitate paging the transaction information to the user in manageable groups or "chunks" of information. Applicant's claim 10, for instance, adds that the unique identifier comprises a sequence number. Claim 11 adds that the sequence number is assigned per account and per type of transaction. Additionally, claim 12 provides that consecutive sequence numbers are assigned to transactions records of a given type for a particular account. Although Hopkins discusses sequence numbers, it assigns sequence numbers based on the particular terminal at which the transaction originates (Hopkins, paragraph [0025]). Thus, assuming the terminal that is involved in Hopkins' solution is a particular ATM, Hopkins unique identifier identifies the ATM and issues consecutive sequence numbers for transactions at that ATM. This is not the same as assigning sequence numbers "per

account and type of transaction" as provided by Applicant's claimed invention as discussed in greater detail in the Appeal Brief previously filed by Applicant in this case.

Accordingly, as the combined references do not include all the limitations of Applicant's claims it is respectfully submitted that Applicant's claims distinguish over the combined references and overcome any rejection under Section 103.

E. Fourth Section 103 Rejection: Lewis, Suzuki, Thompson, Hopkins and Ferlauto

Claims 13-14, 26 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (above) in view of Suzuki (above) in view of Thompson (above) in view of Hopkins (above) and further in view of U.S. Patent 6,895,926 of Ferlauto et al (hereinafter "Ferland"). Again, these claims are believed to be allowable for the reasons discussed in detail as to the above-described deficiencies of Lewis, Suzuki, Thompson and Hopkins as to Applicant's claimed invention, none of which are cured by Ferlauto. Ferlauto describes an address consolidating system including a name and address database in which duplicate names and address are consolidated by matching name and address and e-mail address simultaneously (Ferland, Abstract). As Applicant's claimed invention relates to consolidation of financial transaction records, Ferlauto's system for consolidation of name and address data appears only marginally relevant.

Applicant also believes that Ferlauto does not teach or suggest the specific limitations of Applicant's dependent claims 13-14, 26 and 41 as discussed in detail in a prior Amendment filed in this case. Although Ferlauto describes several different kinds of sequences, Ferlauto's general approach is for the sequence numbers to go up by one for each subsequent record (see e.g., Ferlauto col. 2, line 65 to col. 3, line 6). Ferlauto also describes a separate "transaction date field" (YYMMDD) which is based on the date the transaction is generated by the file owner (see e.g., Ferlauto, col. 3, lines 6-9). However, this date field is described as being separate from the sequence number and Applicant's review of the reference finds no mention of providing for the user to select between date-based and consecutive sequencing as provided with Applicant's claimed invention. Thus, as the combined references do not include all the teachings of Applicant's claims, Applicant respectfully submits that its claimed invention distinguishes over these

references.

F. Fifth Section 103 Rejection: Lewis, Suzuki, Thompson and Battat

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (above) in view of Suzuki (above) in view of Thompson (above) and further in view of U.S. Published Application 2006/0143239 of Battat et al (hereinafter "Battat"). Claim 15 is believed to be allowable for the reasons discussed in detail as to the deficiencies of Lewis, Suzuki and Thompson as to Applicant's claimed solution for consolidation of financial transaction records. Battat does not cure any of these deficiencies as Battat simply describes a method and apparatus for maintaining data integrity across distributed computer database systems. Additionally, Applicant respectfully believes that Battat's teachings of a commit operation which collapses all the operations in a given transaction into one undo-able operation are not comparable to Applicant's claim limitations of a data consolidator that provides for undoing transaction records created from a particular file in response to a user request to undo a particular file. Accordingly, as the combined references do not include all the teachings of Applicant's claims, Applicant respectfully submits that its claimed invention overcomes the Section 103 rejection.

G. Sixth Section 103 Rejection: Lewis, Suzuki, Thompson, Battat and Smith

Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (above) in view of Suzuki (above) in view of Thompson (above) in view of Battat (above) and further in view of U.S. Published Application 2002/0042975 of Smith (hereinafter "Smith"). Claims 16 and 17 are dependent on claims 1 and 15 and are, therefore, believed to be allowable for the reasons set forth above as to the deficiencies of Lewis, Suzuki, Thompson and Battat as to these independent and intervening claims. Smith does cure any of these deficiencies. Additionally while Smith describes identifying dependent files, Smith makes no mention of undoing or reprocessing any files or dependent files as provided in Applicant's specification and claims.

Additionally, at paragraph 42 on page 14 of the current Office Action, the Examiner references that Smith modifies the teachings of Cohen and thus it would be

obvious to combine Smith with Cohen. However, the Examiner has not cited Cohen in the rejection of these claims (see e.g., paragraph 41), so the specific basis for combining Cohen is unclear. Applicant respectfully requests that the Examiner clarify the basis for rejection of claims 16 and 17 and, in particular, whether the Examiner is relying on Cohen (as well as Lewis, Suzuki, Thompson, Battat and Smith) in making such rejection.

For the reasons set forth above, Applicant respectfully submits that its claimed invention distinguishes over the combined references and overcomes the Section 103 rejection.

H. Seventh Section 103 Rejection: Lewis, Suzuki, Thompson and Schulze

Claims 27 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, Suzuki and Thompson (above) further in view of U.S. Published Application 2006/0041493 of Schulze et al (hereinafter "Schulze"). Applicant's claims are believed to be allowable for at least the reasons described above pertaining to the deficiencies of Lewis, Suzuki and Thompson. Schulze does not cure these deficiencies as the referenced teachings of Schulze simply describe making a back-up file of downloaded identification data and routing codes and storing it in an off-site storage system.

Additionally, at paragraph 45 on page 15 of the current Office Action, the Examiner references that Schultze modifies the teachings of Cohen and thus it would be obvious to combine Cohen with Schultze. However, the Examiner has not cited Cohen in the rejection of these claims (see e.g., paragraph 44 on page 15), so the specific basis for combining Cohen is unclear. Applicant respectfully requests that the Examiner clarify the basis for rejection of claims 27 and 42 and, in particular, whether the Examiner is relying on Cohen (as well as the other cited references) in making such rejection.

Therefore, Applicant respectfully submits that its claimed invention distinguishes over the combined references and overcomes the Section 103 rejection.

I. Eighth Section 103 Rejection: Cohen and Osborne

Claims 32 and 47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (above) in view of U.S. Published Application 2003/00120619 of Osborne et al (hereinafter "Osborne").

Applicant respectfully requests the Examiner to clarify the basis of rejection of claims 32 and 47 given that the Examiner has not cited Cohen in the rejection of the independent claims (21 and 26) and other intervening claims on which claims 32 and 47 depend.

To the extent that the Examiner is relying on Cohen, Applicant's claims are believed to be allowable for at least the reasons described in Applicant's Amendment previously filed in this case pertaining to the deficiencies of Cohen. Osborne does not cure any of these deficiencies as Osborne describes a solution for remote monitoring and diagnosing of industrial equipment that seems to have little or no relation to Applicant's claimed invention for consolidation of financial information. Therefore, Applicant respectfully submits that its claimed invention distinguishes over the combined references and overcomes the Section 103 rejection.

Any dependent claims not explicitly discussed are believed to be allowable by virtue of dependency from Applicant's independent claims, as discussed in detail above.

Conclusion

In view of the foregoing remarks and the amendment to the claims, it is believed that all claims are now in condition for allowance. Hence, it is respectfully requested that the application be passed to issue at an early date.

If for any reason the Examiner feels that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 925 465 0361.

Respectfully submitted,

Date: January 8, 2010

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